

Zoning Text Amendment No: 07-05  
Concerning: Site Plan Amendment  
-Procedures  
Draft No. & Date: 1 – 5/8/07  
Introduced: May 8, 2007  
Public Hearing: June 12, 2007; 1:30 p.m.  
Adopted:  
Ordinance No:  
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmembers Leventhal, Floreen, Knapp and Ervin

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- exempt minor building permits from a finding of conformance to an approved site plan;
- establish a procedure and standards for the approval of minor site plan amendments by the Planning Director; and
- generally amend site plan approval procedures.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-D-3 “Site Plan”

Add a new Section 59-D-3.0.1

Section 59-D-3.0.1 “Conforming Permits”

Section 59-D-3.0.1.1 “Permits and changes exempt from conforming to an approved site plan”

Section 59-D-3.7. “Amendment of a site plan”

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*

*Underlining indicates text that is added to existing laws by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.*

*Double underlining indicates text that is added to the text amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*

*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. DIVISION 59-D-3 is amended as follows:**

**DIVISION 59-D-3. SITE PLAN.**

**59-D-3.0. Generally.**

**59-D-3.0.1 Conforming permits**

In any zone identified in article 59-C as requiring site plan approval, the Department must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building or structure:

- (a) until the Planning Board approves a site plan, and
- (b) unless the building or structure conforms to the approved site plan.

**59-D-3.0.1.1 Permits and changes exempt from conforming to an approved site plan.**

In any zone identified in article 59-C as requiring site plan approval, the Department may, without a finding of conformance to an approved site plan, issue a sediment control permit or a building permit for any building or structure if the permit is for:

- (a) constructing an accessibility improvement;
- (b) repairing an existing structure;
- (c) replacing an existing structure with a structure that has the same function and is not more than 10% larger in height or area;
- (d) landscaping by a resident or a residents association; or
- (e) an addition to a paved surface that does not exceed 1,000 square feet by a resident or a residents association, if the site is not located in a special protection area.

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**59-D-3.7. Amendment of a site plan.**

- (a) The owner of the property to which a certified site plan applies may apply at any time for an amendment to the plan. Each application must show every proposed amendment, in a format approved by the Planning Board, on a copy of the certified site plan. The amendment process required in this Section is the only way a certified site plan may be modified.
- (b) The Planning Board may approve any proposed site plan amendment after holding a public hearing, except as provided in subsection [(c)] (d).

(c) The applicant must post a conspicuous notice of each proposed amendment within 3 days after filing the application with the Planning Director at one or more places and in a form and content approved by the Planning Director. The applicant also must send written or electronic notice, in a form and content approved by the Planning Director, within 3 days after filing the application, to:

- (1) each person who received notice of the hearing that the Planning Board held before the site plan was approved;
- (2) the owner and (if known or reasonably identifiable by the applicant) any contract purchaser of each adjoining and confronting property; and
- (3) each registered civic organization in the area of the property, as determined by the Planning Director.

If a person to whom notice was sent under this subsection, or any other affected person as defined by Planning Board regulations, has not filed a written or electronic request for a public hearing within 15 days after the notice is sent, the Planning Board may act on the amendment without holding a hearing.

(d) The Planning Director may approve in writing any application for an amendment to a certified site plan, for which notice was provided under subsection (c), if the amendment:

(1) modifies one or more of the following elements of the approved site plan;

(i) a parking or loading area;

(ii) landscaping or a sidewalk, recreational area, public use space, or green area in a manner that does not alter basic elements of the plan;

(iii) grading, utilities, stormwater management, or any similar plan element; or

(iv) any other plan element that the Planning Board, in approving the site plan, designated as an element that will have a minimal affect on the overall design, layout, quality, or intent of the plan; and

(2) does not significantly affect any neighboring property; and

(3) satisfies each requirement of Section 59-D-3.4 (c).

61 [(d)] (e) The Planning Board Chair or the Board's designee must sign any Board resolution  
62 that [emends] amends a certified site plan. The Chair must forward each  
63 approved amendment to the Department immediately after signing it.

64 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of Council  
65 adoption.

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67 This is a correct copy of Council action.

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72 Linda M. Lauer, Clerk of the Council

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